

REMARKS

Claims 1-17 are currently pending and rejected. Claims 1, 2, 9, 10, and 17 are amended.

Claim 10 was objected to because of including the wrong claim status identifier. The claim status identifier for claim 10 has been changed to accurately reflect the status of claim 10.

Claims 1-17 were provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-17 of copending application 10/736,125 in view of Stohs and Takeoka. Since application 10/736,125 is copending, the rejection is provisional. Assignee will address the rejection should it become actual.

Claims 1-17 were rejected under 35 U.S.C. § 112, second paragraph as being indefinite for failing to particularly point out and distinctly claim the subject matter which is regarded as the invention. Claims 1, 2, 9, 10 and 17 are amended and it is believed that these claims as amended overcome this rejection.

Claims 1 and 9 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Stohs in view of Takeoka. Claim 17 was rejected under 35 U.S.C. § 103(a) as being obvious from Stohs in view of Takeoka, further in view of Katsavounidis, and further in view of Boothroyd.

Examiner has indicated that "Stohs teaches ... storing the identical sequential portion in a second memory (Stohs; Figure 3 Item 305, Col. 6, Lines 35-55) ... Stohs does not teach wherein the second memory is smaller than the first memory [less than the amount of memory occupied by the plurality of sequential data words in the first memory]. However, Takeoka teaches a data transferring system that transfers image data from a first memory (Takeoka; Figure 1 Item 12) to a second memory (Takeoka; Figure 2 item 26). Takeoka teaches that the second memory has the capacity to store only two lines of image data (Takeoka; Col. 10 Lines 27-30). Therefore, it would have

been obvious to one of ordinary skill in the art at the time the invention was made to have modified the teachings of Stohs to include the smaller memory because doing so would allow for a smaller physical size of the system." Office Action, at 12.

Assignee respectfully traverses Examiner's contention that "it would have been obvious ... to have modified the teachings of Stohs to include the smaller memory". "If proposed modification would render the prior art invention being modified unsatisfactory for its intended purpose, then there is no suggestion or motivation to make the proposed modification." MPEP 2143.01, Paragraph V. Assignee respectfully submits that the modification of Stohs that is proposed by Examiner would render the Stohs invention unsatisfactory for its intended purpose.

Stohs is directed to "Recovery of Stored Data from Mutilated Tape Data Blocks", Stohs, Title. Examiner has indicated that Stohs teaches "storing the identical sequential portion in a second memory (Stohs; Figure 3 Item 305, Col. 6 Lines 35-55)." Stohs teaches that "The controller 105 responds to receipt of each READ STROBE signal by taking the accompanying byte 211 from the bus 107 and storing it in a location 401 of its buffer memory 111, as indicated in box 305." Col. 6, Lines 38-42. Stohs teaches that "The controller stores the read data in a buffer memory 111 that is at least the size of the data block." Stohs, Abstract. Stohs also notes that "It is possible for a blemish to adversely affect the reading of a tape in one direction only. Assuming that that is the case, the tape drive 108 does not detect a hard error when reading the block 203b in reverse." Stohs, Col. 7, Lines 39-42. "The controller 105 reverses the order of the bytes 211 by swapping contents of the locations 401a and 401z, swapping contents 401b and 401y, and so on." It Stohs was modified to include identically storing the sequential portion, in a second memory comprising less than the amount of memory occupied by the plurality of sequential data words in the first memory, as proposed by Examiner, Stohs would be unable to perform the foregoing., it is respectfully submitted that modifying Stohs as proposed by Examiner would make satisfactory for "Recovery of Stored Data from Mutilated Tape Data Blocks."

Therefore, it is respectfully submitted that it would not be obvious to modify Stohs to include identically storing the sequential portion, in a second memory comprising less than the amount of memory occupied by the plurality of sequential data words in the first memory. Accordingly, Examiner is requested to withdraw the rejection to claims 1, 9, and 17, and dependent claims 2-8, and 10-16.

CONCLUSION

For at least the foregoing reasons, each of the pending claims are allowable, making the application in a condition for allowance. Examiner is requested to pass this case to issuance. To the extent that any monies are required for the actions requested herein in addition to any funds transmitted herewith, Commissioner is hereby authorized to charge the same to account no. 13-0017.

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RESPECTFULLY SUBMITTED



Mirut Dalal
Reg. No. 44,052
ATTORNEY FOR ASSIGNEE

McAndrews, Held & Malloy, Ltd.
500 West Madison - Suite 3400
Chicago, IL 60661

Voice (312) 775-8000
FAX (312) 775-8100